

REMARKS

In the Non-final Office Action mailed on March 21, 2008, claims 1-44 were pending. Claims 28-30 and 37 have been objected to but indicated to be allowable if rewritten in independent form, and claims 1-27, 31-36 and 38-44 stand rejected. In this response, claims 1, 5, 28, 37, 38 and 44 have been amended, claims 45-50 have been added, and claims 7-9, 26-27 and 43 have been cancelled. Reconsideration of the present application as amended and including claims 1, 3, 5, 6, and 8-24 is respectfully requested.

Claim 5 has been amended to include the features of claim 7, and claim 7 has been cancelled. Claim 28 is amended to maintain consistency in reciting a "locking" aperture. The amendments to claims 5 and 28 find support in the original claims and do not introduce new matter. Entry of the same is respectfully requested. The amendments to the remaining claims are discussed further below.

Claims 1-7, 10-13, 16, 20-24, 31-36, and 38-44 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,591,166 to Bernhardt et al. Amended claim 1 recites, among other features, "a means for locking the anchor assembly to the bottom portion of the support element, wherein the means for locking includes a locking aperture such that when the medical device is assembled, the means for locking the anchor assembly and the plurality of anchor assemblies do not pass through the support element". Support for the amendment to claim 1 may be found, for example, at page 7, line 31 to page 8, line 6 and Figure 1, and from page 9, line 22 to page 10, line 23 and Figures 4A-4C.

Bernhardt discloses an anchor assembly with an upper section 22 having a threaded projection 28 passing through opening 68 of connector 64. A nut 70 mates with projection 28 and is tightened down onto the upper surface of connector 64 while sleeve 48 of the anchor assembly is located on the opposite side of connector 64. Therefore, the anchor assembly and locking means in Bernhardt pass through connector 64, and Bernhardt fails to disclose at least these features in claim 1. Withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-6, 10-13, 16, 20-24 and 31-36 depend directly or indirectly from claim 1 and are allowable at least for the reasons claim 1 is allowable. Withdrawal of the rejection of these claims depending from claim 1 is respectfully requested.

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Amended claim 37 is rewritten in independent form to incorporate the features of the previous version of claim 1. Amended claim 37 is allowable as indicated in the Office Action.

Amended claim 38 is amended along the lines of claim 1 and recites, among other features, "locking the anchor assemblies within the support element receiver with a plurality of locking means associated with respective ones of the plurality of the anchor assemblies, where the plurality of locking means and the plurality of anchor assemblies, when the anchor assemblies are locked in the receiver with the locking means, do not pass through the top portion of the support element." As discussed above, Bernhardt fails to disclose any locking means for locking the anchor assembly within connector 64 that does not pass through the top portion of connector 64. Withdrawal of the rejection of claim 38 along with claims 39-42 depending therefrom is respectfully requested.

Amended claim 44 is also amended along the lines of claim 1 and recites, among other features, "locking the anchor assemblies within the support element using the second locking means, where the plurality of anchor assemblies and second locking means do not pass through the support element when the plurality of anchor assemblies are locked within the support element by the second locking means." As discussed above, Bernhardt fails to disclose any locking means for locking the anchor assembly within connector 64 that does not pass through the top portion of connector 64. Withdrawal of the rejection of claim 44 is respectfully requested.

Independent claim 43 is cancelled in this response. Claims 45-50 have been added and depend from amended claim 44. Claims 45-48 recite methods directed to the devices of claims 28-30 and 37, and are allowable since Bernhardt fails to disclose or teach a method that includes the features recited in claims 45-48. Claim 49 includes features cancelled from claim 44, and claim 50 includes features from cancelled claim 43. Claims 49 and 50 depend from claim 44 and are allowable at least for the reasons claim 44 is allowable.

Claims 8, 9, 26 and 27 stand rejected under 35 USC §103(a) as being unpatentable over Bernhardt alone. These claims are cancelled in this response. Thus, the rejection is moot, and withdrawal of the same is respectfully requested.

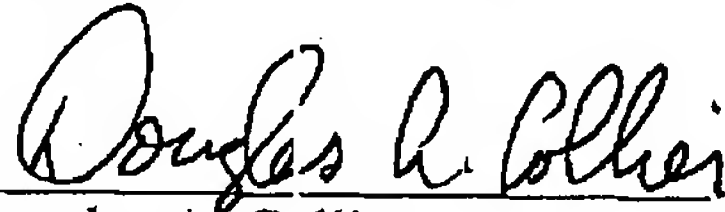
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Claims 14, 15, 18, 19 and 25 stand rejected under 35 USC §103(a) as being unpatentable over Bernhardt in view of U.S. Patent No. 6,315,779 to Morrison et al. These claims depend directly or indirectly from claim 1, and are allowable at least since claim 1 is allowable.

Withdrawal of the rejection of claims 14, 15, 18, 19 and 25 is respectfully requested.

In view of the foregoing remarks, it is respectfully that claims 1-6, 10-25, 28-42, and 44-50 are in condition for allowance. Reconsideration and allowance of the present application as amended is respectfully requested. The examiner is welcome to contact the undersigned to resolve any outstanding issues with respect to the present application.

Respectfully submitted,

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